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EXAMINER
CHOU, ANDREW Y

ART UNIT	PAPER NUMBER
2192	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/619,128	WAIN ET AL.
	Examiner	Art Unit	
	Andrew Y. Chou	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _29 November 2006_.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-38_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-38_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the action filed on 11/29/2006

2. Claims 22-27 and 34-37 have been amended.

3. Claims 1-38 are pending.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 34-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 34-37 are non-statutory because the claimed invention is subject to 35 U.S.C 101 as being a data structure, non-functional descriptive material. Data structures claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. See MPEP 2106.01 (II).

Response to Arguments

6.   Applicant's arguments with respect to claims rejection have been

considered but are moot in view of the new grounds of rejection to now amended

claims. See Burkett et al US 6,678,889 B1 (hereinafter Burkett) made of record

below.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section
> 122(b), by another filed in the United States before the invention by the applicant for patent or
> (2) a patent granted on an application for patent by another filed in the United States before
> the invention by the applicant for patent, except that an international application filed under
> the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
> application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-38 are rejected under 35 U.S.C 102(a) as being unpatentable

over Burkett et al. US 6,678,889 B1 (hereinafter Burkett).

Claim 1:

Burkett discloses a method for designing an application, comprising:

(a) receiving metadata and a policy (see for example column 4, lines 25-32,

"Document Type Definitions");

(b) dynamically constructing a user-interface in accordance with the policy (see

for example (see for example column 5, lines 43-54, FIG. 2, item 10,

administrative console, and related text); and

(c) creating the application through the user-interface (see for example column 5, lines 43-54).

Claim 2:

Burkett further discloses the method of claim 1, wherein the user interface supports a design surface with a toolbox and wherein the toolbox has a plurality of available components (see for example FIG. 2, and related text).

Claim 3:

Burkett further discloses the method of claim 2, wherein (c) comprises:

(i) creating a representation of the application, the representation having a stage, the stage having at least one component selected from the plurality of available components of the toolbox (see for example column 6, lines 1-17).

Claim 4:

Burkett further discloses the method of claim 2, wherein (c) comprises: (i) creating a representation of the application, the representation having a stage (see for example column 6, lines 25-39, "four level CML listing").

Claim 5:

Burkett further discloses the method of claim 3, wherein the representation is displayed in a graphical format (see for example FIG. 2, and related text).

Claim 6:

Burkett further discloses the method of claim 1, wherein (c) comprises:

(i) creating a representation of the application, the representation having a stage, the stage having at least one component (see for example FIG. 2, and related

text).

Claim 7:

Burkett further discloses the method of claim 6, wherein (b) comprises:

(i) categorizing each component to one of a plurality of stages (see for example

FIG. 2, and related text).

Claim 8:

Burkett further discloses the method of claim 6, wherein the stage includes a first

component and a second component (see for example column 6, lines 25-39,

"...scoping level..."), and wherein (b) comprises:

(i) determining an ordering of the first component and the second component

(see for example column 6, lines 40-52, "..hierarchical lists of tasks and

resources.").

Claim 9:

Burkett further discloses the method of claim 6, wherein (b) comprises: (i)

determining a cardinality of the stage (see for example column 6, lines 40-52,

"..hierarchical lists of tasks and resources.").

Claim 10:

Burkett further discloses the method of claim 6, wherein one of the at least one

component is associated with a plurality of properties (see for example column 7,

lines 5-30, TABLE 1).

Claim 11:

Burkett further discloses the method of claim 10, wherein (c) further comprises:

(ii) selecting one of the plurality of properties (see for example column 7, lines 2-

4, "..data items that may be declared...").

Claim 12:

Burkett further discloses the method of claim 6, wherein (b) comprises: (i)

discovering the at least one component that resides on a computer, the computer

supporting the user-interface (see for example FIG. 2, and related text).

Claim 13:

Burkett further discloses the method of claim 6, wherein (c) further comprises: (ii)

compiling the representation of the application in concert with the policy (see for

example column 4, lines 63-67).

Claim 14:

Burkett further discloses the method of claim 13, wherein the representation of

the application is expressed as an extensible markup language (XML) file (see

for example column 5, lines 45-57, "...XML document...").

Claim 15:

Burkett further discloses the method of claim 13, wherein (c) further comprises:

(iii) in response to (ii), executing a plurality of computer-executable instructions

(see for example FIG. 9, step 102, and related text).

Claim 16:

Burkett further discloses the method of claim 13, wherein (c) further comprises:

(iii) determining whether an error exists in the representation (see for example

column 8, lines 19-30, FIG. 9. step 108, and related text).

Claim 17:

Burkett further discloses the method of claim 16, wherein (c) further comprises:

(iv) in response to (iii), indicating a determined component and a determined stage corresponding to the error (see for example FIG. 9, step 108, "resources found?", and related text).

Claim 18:

Burkett further discloses the method of claim 6, wherein the stage is associated with a plurality of components, and wherein (c) further comprises: (ii) selecting a matched component from the plurality components, the matched component first matching a document being processed (see for example FIG. 2, items 34a, 34b, and related text).

Claim 19:

Burkett further discloses the method of claim 6, wherein the stage is associated with a plurality of components, and wherein (c) further comprises: (ii) determining whether the plurality of components shall be sequentially ordered (see for example column 5, lines 62-64, "...hierarchical list of administrative tasks...").

Claim 20:

Burkett further discloses the method of claim 1, wherein (c) comprises:

(i) receiving a command from the user (see for example column 7, lines 38-47, FIG. 7, and related text):

(ii) in response to (i), indicating whether the command corresponds to a permitted operation for manipulating a representation of the application (see for example FIG. 7, and related text).

Claim 21:

Burkett further discloses the method of claim 1, wherein (a) comprises: (i)

selecting the policy from a plurality of policies (see for example column 5, lines 43-54).

Claim 22:

Claim 22 is a physical computer-readable medium version of the claimed method step discussed in claim 1 above. Thus, accordingly, this claim would also be anticipated by Burkett.

Claim 23:

Claim 23 is a physical computer-readable medium version of the claimed method step discussed in claim 3 above. Thus, accordingly, this claim would also be anticipated by Burkett.

Claim 24:

Claim 24 is a physical computer-readable medium version of the claimed method step discussed in claim 12 above. Thus, accordingly, this claim would also be anticipated by Burkett.

Claim 25:

Claim 25 is a physical computer-readable medium version of the claimed method step discussed in claim 18 above. Thus, accordingly, this claim would also be anticipated by Burkett.

Claim 26:

Claim 26 is a physical computer-readable medium version of the claimed method step discussed in claim 19 above. Thus, accordingly, this claim would also be anticipated by Burkett.

Claim 27:

Burkett discloses a system for designing an application, comprising:

a policy module that stores metadata, the metadata representing a set of

rules that is associated with the application (see for example Fig. 2, item 10,

"console", and related text);

a user-interface module that generates a design surface, the design

surface specifying the application (see for example FIG. 2, item 10, "console",

and related text);

a composition logic module that receives the metadata from the policy

module (see for example FIGs. 3A-3B, and related text) and that restrains the

design surface to be consistent with the metadata when displaying a

representation of the application through the user-interface module (see for

example FIG. 2, and related text);

and an input module that receives a command from a user to manipulate

the design surface and that updates the design surface, through the composition

logic module, in accordance with the command (see for example FIG. 16, item

204, and related text).

Claim 28:

Burkett further discloses the system of claim 27, wherein the user-interface

module comprises a display interface to a video display device, the video display

device showing the design surface to the user (see for example FIG. 16, item

203, Display Device, and related text).

Claim 29:

Burkett further discloses the system of claim 27, further comprising: a complier

module that is coupled to the policy module and that transforms the

representation into a set of computer-executable instructions, the set of

computer-executable instructions being consistent with the metadata contained

in the policy module (see for example column 4, lines 64-67, FIG. 16, item 200,

Processor, and related text).

Claim 30:

Burkett further discloses the system of claim 29, further comprising: an execution

engine that executes the set of computer-executable instructions (see for

example FIG. 16, item 200, Processor, and related text).

Claim 31:

Burkett further discloses the system of claim 27, further comprising: a memory

that stores software (see for example FIG. 16, item 200, and related text), the

software supporting a component, wherein the composition logic module

discovers the component and provides a display indicator that is associated with

the component (see for example FIG. 16, item 202, Application, and related text).

Clam 32:

Burkett further discloses the system of claim 27, wherein the policy module is co-

located with the user-interface module (see for example FIG. 2, and related text).

Claim 33:

Burkett further discloses the system of claim 27, wherein the policy module is

remotely located from the user-interface module (see for example FIG. 2, and

related text).

Claim 34:

Burkett discloses a physical computer-readable medium having stored thereon a data structure, comprising:

(a) a first data field that contains a first identifier for a first component, the first component being applicable for an application (see for example column 6, lines 25-39, "...four-level CML listing...");

(b) a second data field that contains a second identifier for a stage that is associated with the first component (see for example column 6, lines 25-39, "...four-level CML listing..."); and

(c) a third data field that represents at least one property that is associated with the first component (see for example column 6, lines 25-39, "...four-level CML listing...").

Claim 35:

Burkett further discloses the physical computer-readable medium of claim 34, further comprising:

(d) a fourth data field that contains another identifier for another component that is capable of being coupled to the first component. (see for example column 6, lines 25-39, "...four-level CML listing...").

Claim 36:

Burkett discloses a physical computer-readable medium having stored thereon a data structure, comprising:

(a) a first data field that contains a first identifier of a first stage for a user-interface (see for example FIG. 7, and related text);

(b) a second data field that contains a first indicator that indicates a first

position of the first stage within a design surface (see for example FIG. 7, and

related text);

(c) a third data field that contains another identifier of another stage for the

user-interface (see for example FIG. 7, and related text); and

(d) a fourth data field that contains another indicator that indicates a

second position of the other stage within the design surface (see for example Fig.

7, and related text).

Claim 37:

Burkett further discloses the physical computer-readable radium of claim 36,

further comprising:

(e) a fifth data field that contains an processing indicator that indicates an

ordering of a plurality of components that are associated with the first stage (see

for example FIG. 7, and related text).

Claim 38:

Burkett discloses a method for designing an application, comprising:

(a) receiving metadata that is contained in a policy (see for example column 4,

lines 25-32, "Document Type Definitions");

(b) dynamically constructing a user-interface in accordance with the policy, the

user-interface supporting a design surface and a toolbox with a plurality of

available components(see for example (see for example column 5, lines 43-54,

FIG. 2, item 10, administrative console, and related text);

c) creating a representation of the application, the representation having at least one stage, each stage having at least one component selected from the plurality of available components by a user (see for example column 5, lines 43-54);

(d) compiling the representation of the application in concert with the policy (see for example column 4, lines 64-67, FIG. 16, item 200, Processor, and related text); and

(e) in response to (d), executing a set of computer-executable instructions (see for example FIG. 16, and related text).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Chou whose telephone number is (571) 272-6829. The examiner can normally be reached on Monday-Friday, 8:00 am – 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached on (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed tot eh TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

AYC

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SUPERVISORY PATENT EXAMINER